

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA,

vs.

MARLON JAMES MOORE, PRO SE,

CASE NO: NOT YET ASSIGNED

ORIGINAL CASE NO. FOR SENTENCE: 4:15CR0001-001

MOTION FOR REDUCTION OF SENTENCE FOR RETROACTIVE USSC SENTENCING GUIDELINE "ZERO POINT"
AMENDMENT 821 TWO OFFENSE LEVEL POINTS REDUCTION

18 USC 3582(C)(2) AS DESCRIBED IN USSC 1B1.1 FOR THE RETROACTIVE CHANGE IN THE UNITED STATES
SENTENCING GUIDELINES RELATING TO NEW USSC 4C1.1 "ZERO POINT" AMENDMENT 821 CHANGE FOR A 2-LEVEL
REDUCTION OF OFFENSE LEVEL AND RESULTING SENTENCE REDUCTION.

Now comes the above Movant, Marlon James Moore, Pro Se, and respectfully motions this Honorable court for a sentence reduction consideration pursuant to 18 USC 3582(C)(2) as described in United States Sentencing Commission Guidelines (USSG) 1B1.1 regarding the new retroactive changes implemented by the USSC Amendment 821 made to the United States Sentencing Guidelines USSG 4C1.1 as per a "Zero Point" reduction of sentence as per the discretion of the Court.

The following reasons are given for this reduction in sentence request:

1. On June 3, 2015 Movant, Marlon James Moore, was sentenced to 240 months (Case Number 4:15CR0001-001 Bureau of Prisons Registration Number 85296-083) in the United States District Court for the Eastern District of Virginia.
2. Movant has been in federal custody serving his sentence since and currently resides in the MINIMUM SECURITY FACILITY CAMP at the Petersburg Federal Correctional Complex in Petersburg Virginia.
3. On August 25, 2023 the United States Sentencing Commission voted to make the NEW Sentencing Guidelines Change (Amendment 821) "Zero Point" USSG 4C1.1 retroactive.
4. Movant fits the eligibility requirements to qualify for the Court's consideration and discretion as to a reduction of sentence for the following reasons as per the NEW United States Sentencing Guideline (USSG) 4C1.1:

- A. Movant had Zero Criminal History Points 4C1.1(d), 4C1.1(a)(1) AND
- B. had no adjustments under 3A1.1(4), 4C1.1(a)(2) (Terrorism);
- C. did not use violence or credible threats of violence in connection with the offense 4C1.1(a)(3);
- D. the offense did not result in death or serious bodily injury 4C1.1(a)(4);
- E. the offense is not a sex offense 4C1.1(a)(5);
- F. the defendant did not personally cause substantial financial hardship 4C1.1(a)(6);
- G. no gun was involved in connection with the offense 4C1.1(a)(7);
- H. the offense did not involve individual rights 2H1.1, 4C1.1(a)(8);
- I. no adjustment under 3A1.1 for a hate crime or vulnerable victim or for a serious human rights offense 4C1.1(9);
- J. did not have both a 3B1.1 adjustment for role in the offense AND engaged in a 21 USC 848 continuing criminal enterprise 4C1.1(10).

For these reasons Movant fits the eligibility requirements and is eligible for consideration of the "Zero Point" 2 Offense Level reduction in sentence at the Court's discretion.

5. Movant has completed Rehabilitation Classes, Programs and Courses working to rehabilitate himself during his time of incarceration so far. These classes, programs and courses include a Drug Rehab Program as well as Business/Financial and Health Education Classes.

6. Movant has had clear conduct with zero disciplinary infractions (Incident Reports) for 4 years and previous to that he had only two minor situations with one being just a reprimand and the other just a loss of commissary for a short period of time. This is an exemplary record for being in prison for many years.

7. Movant is 42 years old and recently had a hernia operation and his feet are in bad condition.

8. Movant has been in prison now for almost 9 years (9 years as of December 13, 2023).

9. Movant was given a sentence of 240 months which is a long sentence. The United States Sentencing Commission

specifically enacted Amendment 821 to make the "Zero Point" 2 point Offense Level reduction for situations such as Movant's. It determined that defendants who had no past criminal history should have a two point Offense Level reduction in their sentences because otherwise the sentence was too long. To correct this inequity in the guidelines the United States Sentencing Commission implemented Amendment 821. Movant's situation fits perfectly in the spirit of this Amendment and within the specific reasons given.

For the foregoing reasons Movant, Marlon James Moore, moves for consideration at the Court's discretion for a reduction of sentence taking into account the 2 Offense Level reduction for the "Zero Point" retroactive change according to Amendment 821 as outlined by the United States Sentencing Commission.

Respectfully submitted,

Marlon James Moore, Pro Se

Marlon James Moore
Registration Number: 85296-083
Federal Correctional Complex
Petersburg Camp
PO Box 1000
Petersburg, VA 23804

Marlon James Moore

A handwritten signature in black ink that reads "Marlon J. Moore". The signature is written in a cursive, flowing style.

Dated: 10-30-23

I certify that on October 30, 2023 I mailed a copy of this Motion for Reduction of Sentence 3582(C)(2) and all attachments to the United States Attorney (U.S. Attorney) for the State of filing.

Motion for Reduction of Sentence 3582C)(2) and all attachments sent to:

U.S. Attorney

2100 Jamieson Ave

Alexandria, VA 22314-2794

Movant's Signature

Maulon J. Moore